

UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

JESUS FONTANILLA
MAIDELYN CARRERA

* CIVIL ACTION NO. _____

VERSUS

* JUDGE: _____

ACE AMERICAN INSURANCE
COMPANY, J.B. HUNT
TRANSPORT, INC., AND
DONALD YOUNG

* MAGISTRATE JUDGE: _____

ORIGINAL COMPLAINT

The complaint of JESUS FONTANILLA and MAIDELYN CARRERA, both citizens, residents and domiciliary of Hialeah, Florida who respectfully represent that:

1.

Made defendants herein are:

ACE AMERICAN INSURANCE COMPANY, a foreign insurance company authorized to do and doing business in the State of Louisiana, who may be served through the Louisiana Secretary of State, 8585 Archives Avenue, Baton Rouge, LA 70809;

J.B. HUNT TRANSPORT, INC., a foreign corporation authorized to do and doing business in the State of Louisiana who may be served through its agent for service of process, Corporation Service Company, 501 Louisiana Avenue, Baton Rouge, LA 70802; and

DONALD YOUNG, a person of the full age of majority and a resident of a Baldosta, Georgia

who are all justly and truly indebted unto your petitioner, individually, jointly and in solido, for the following reasons, to-wit:

2.

This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, Diversity of Citizenship.

3.

The matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.

4.

This is an action for damages arising out of a collision which occurred on interstate I-10, East Baton Rouge Parish, Louisiana on October 27, 2018.

5.

On or about October 27, 2018, plaintiff, JESUS FONTANILLA, was operating his 2010 Freightliner Tractor and Trailer while traveling East on I-10 in slow moving traffic. While driving in a safe and controlled manner in congested traffic, plaintiff's tractor trailer rig was suddenly and violently rammed in the back by a 2018 Freightliner Tractor and Trailer operated by defendant, DONALD YOUNG, who was then working in the course and scope of his employment with defendant, J.B. HUNT TRANSPORT, INC., which also was the owner the tractor

trailer rig being operated by DONALD YOUNG which he was operating with the knowledge and permission of J.B. HUNT TRANSPORT.

6.

The force of the impact from the rear-end crash caused plaintiff, JESUS FONTANILLA to suffer injury to his neck and back which have required medical treatment.

7.

Petitioner alleges on information and belief that at the time of this accident, the 2018 Freightliner Tractor and Trailer was owned by Defendant, J.B. HUNT TRANSPORT, INC. and operated by Defendant, DONALD YOUNG.

8.

The said accident was caused by the negligence of Defendants which consisted primarily of, but not limited to, the following acts of omissions and/or commissions, to-wit:

- a. Failing to keep a proper lookout;
- b. Failing to stop;
- c. Failing to keep a safe distance between the Young vehicle and the Fontanilla vehicle;
- d. Operating his vehicle at an excessive rate of speed under existing circumstances;
- e. Carelessly operating a motor vehicle;

- f. Driving while inattentive and/or distracted;
- g. Failing to properly maintain the vehicle driven by Donald Young;
- h. Failing to see what he should have seen and do what he should have done in order to prevent the accident sued upon herein; and
- i. Other acts of negligence to be shown at the trial on the merits.

9.

At the time of the accident, DONALD YOUNG was an employee of J.B. HUNT TRANSPORT, INC. and was in the course and scope of his employment with J.B. HUNT TRANSPORT, INC. Under Louisiana Law, J.B. HUNT TRANSPORT, INC. is vicariously liable for the negligence of DONALD YOUNG.

10.

It is alleged that defendants, J.B. HUNT TRANSPORT, INC. and DONALD YOUNG, were covered by a policy of automobile liability issued by defendant, ACE AMERICAN INSURANCE COMPANY. Pursuant to LSA-R.S. 22:1269, petitioner is entitled to and does hereby assert this direct action against ACE AMERICAN INSURANCE COMPANY.

11.

As a result of the accident, petitioner, JESUS FONTANILLA, is entitled to recover damages for past and future mental and physical pain and suffering; past and future medical expenses; past and future loss of wages; past and future loss of

earning capacity; past and future loss of enjoyment of life; past and future disability and impairment; and past and future mental anguish and property damage to his vehicle, all to his detriment in the amount of TWO MILLION AND NO/100 (\$2,000,000.00) Dollars inclusive of interest and cost.

12.

Complainant, MAIDELYN CARRERA, has suffered and will continue to suffer loss of society and services as a result of the accident and injuries sustained by her husband, JESUS FONTANILLA, for which defendants are responsible. MAIDELYN CARRERA alleges the damages to be in the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS.

WHEREFORE, petitioners, JESUS FONTANILLA and MAIDELYN CARRERA pray that defendants, J.B. HUNT TRANSPORT, INC., ACE AMERICAN INSURANCE COMPANY and DONALD YOUNG be served with a copy of this Petition and duly cited to appear and answer same, and that after due proceedings had, there be judgment herein in favor of petitioners, JESUS FONTANILLA and MAIDELYN CARRERA, and against Defendants, J.B. HUNT TRANSPORT, INC., ACE AMERICAN INSURANCE COMPANY and DONALD YOUNG, in solido, in the amount of TWO MILLION ONE HUNDRED THOUSAND AND NO/100 (\$2,100,000.00) Dollars together with interest from date of judicial demand until paid and for all costs of these proceedings, including

witness fees and expenses.

PETITIONERS FURTHER PRAY for process in due form against Defendants and for all general and equitable relief.

Respectfully submitted,

By: _____

JAMES P. RYAN (#11560)
WILLIAM L. RYAN (#38097)
MORROW, MORROW, RYAN, BASSETT & HAIK
Post Office Drawer 1787
Opelousas, Louisiana 70571
Tel: (337) 948-4483
Fax: (337) 942-5234
jamesr@mmrblaw.com

AND

DAVID M. BENENFELD
7800 West Oakland Park Boulevard
Building F, Suite 216
Sunrise, Florida 33351
Tel: (954) 677-0155
Fax: (954) 677-0773
dbenefeld@injurylawservice.com

*Attorneys for Plaintiffs, Jesus Fontanilla
and Maidelyn Carrera*